REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant is submitting the present Amendment without prejudice to the subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this paper, and explicitly reserves the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-4 and 7-18 were pending in this application when last examined and stand rejected.

Claim 1 is amended. Support can be found in the disclosure, for example, at page 10, lines 19-28 (paragraph [0061] of corresponding patent application publication no. 2006/0154594) and at page 6, lines 28-33 (paragraph [0041] of corresponding patent application publication no. 2006/0154594). No new matter has been added.

II. OBVIOUSNESS REJECTION

Claims 1-4 and 7-18 were again rejected under 35 U.S.C. § 103(a) as being obvious over HOAGUE (U.S. 6,186,140) in view of JENSEN (U.S. 4,821,709) for the reasons set forth on pages 2-8 of the Official Action. This rejection is respectfully traversed.

In the Amendment filed September 19, 2007, Applicant argued that the Office has failed to show that HOAGUE in view of JENSEN teach, suggest or make obvious all of the limitations of independent claim 1, namely, the feature requiring the ventilator unit to comprise converter (50) adapted to transform an electrical signal into a sound signal, wherein said converter (50) being situated in the duct (14). See the last 2 lines of claim 1. The arguments set forth in the September 19, 2007 Amendment are herein reiterated.

In reply thereto, the Office, in the paragraph bridging pages 7-8 of the Action, states:

> 2. Applicant contends that HOAGUE does not teach the converter being situated in the duct since it is not in the duct for the air stream. However, claims are afforded their broadest reasonable interpretation.
>
> In this instant application, claim 1 merely requires the converter is situated in said duct. There are three responses to this argument, first, the definition of a duct from www.dictionary.com 111/2008 is 1. any tube, canal, pipe, or conduit by which a fluid, air, or other substance is conducted or 2. conveyed or a single enclosed runway for conductors or cables. As shown by the second definition of a duct airflow does not have be present and that the converter is in duct 134. The second response to this argument is that the alarm (202) is connect to sense the air unit/filter assembly and though not shown in the drawing must have access to the airflow and be in the airflow duct (134), as explained in the Abstract of HOAGUE. The third response is, even if HOAGUE did not teach the sensor for the alarm (202) being in the airflow duct (134) the combination of HOAGUE in view of the flow meter of JENSEN certainly would teach the flow meter to being in the airflow of the airflow duct (134).

Applicant respectfully disagrees with the Office's positions and characterization of HOAGUE and JENSEN for the reasons set forth in the last response and discussed below. As discussed in the last response, it is not accurate to say that HOAGUE's converter is located in duct 130, because the converter, although located in unit 130, is not in a duct for the air stream. Unit 130 is only a housing 134 surrounding a part of the duct in which the air is flowing, and the converter 202 is located between the external wall of the duct and the internal wall of this part of the unit 130. In this part of the unit 130, the duct is the passageway of the air in the blower, and the wall of the duct is the wall of the blower 18.

Please see again the schematic attached to the last response (and attached herewith) showing an exploded longitudinal cross-sectional view of HOAGUE's device. This schematic is based on Figures 1 and 2 of HOAGUE.

The shaded path on the schematic is the air stream or air duct in the air filter unit 130, and only this shaded path can be considered as an air duct. It comprises the main housing 134 and the passage duct into the blower 118, the blower being located in the housing 134, its input being connected to the main housing 134 as shown at 118, and its output being connected to the output 112.

The dividing wall between the housing 134 and the main housing 134 is the wall of the battery pack 120, the front face of the blower motor 118 (not shown in Figure 2) and the frame of the filter 124/128.

As can be seen from this schematic, it is not accurate to say that the second case is defined in HOAGUE as element 130 as a whole, in which the converter which Applicant says is the fan 118 is such but it is also in the duct or the airflow passageway located in case 130 between the orifice 112 and the outside of the first case 134. In fact, as can be seen from the schematic attached to the last response, and as evident from the disclosure in HOAGUE itself, the converter 202 in HOAGUE is not in the shaded path.

Also, it is not accurate to say that all the filtered air is flowing in the two housings 134, that is, the housing 134 and the main housing 134. As discussed in the last response, such an arrangement would be unthinkable as it would be dangerous to position all electric circuit boards, battery back, etc., directly in the flowing air that is breathed by a person. An explosion or a gas emanation, or an electric arc or the like could be very dangerous to the person, especially in the case of a device such as a head cover 102. As such, it is respectfully submitted that the Office's characterization of HOAGUE is inaccurate as it would render the device in HOAGUE inoperable for its intended purpose. It is well established that, if a proposed

modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *See* M.P.E.P. § 2143.01, V. Thus, it is respectfully submitted that the Office's characterization of HOAGUE is inaccurate. The Office did not appear to address this discussion as presented in the last response.

Further, as discussed in the last response, as can be seen in Figure 2 of HOAGUE, the piezo alarm 202 is not in the air stream or air duct, but only in the housing 134 outside the blower 118 and in no case inside the blower duct, as it is seen in full line on the rear view of HOAGUE. The Office did not appear to address this discussion in the last response.

Thus, Applicant again respectfully submits that nothing in HOAGUE discloses or suggests that the alert alarm is positioned in the air output duct.

More importantly, claim 1 has now been amended to further distinguish over HOAGUE and JENSEN. In this respect, it should be noted that a main feature of the ventilator unit of claim 1 is that the sound converter is directly positioned in the fluid flowing in the duct which is passing through the housing of the ventilator. This configuration is important, because as sound is propagated in the fluid, and moreover in circulation, the person wearing the garment is informed earlier, providing even more safety, than when the audible alarm is only in the

housing of the ventilator as in the devices disclosed in HOAGUE and JENSEN, and not in the fluid passing in the air duct. This feature is now recited in claim 1 (*i.e.*, the sole independent claim). Specifically, in the ventilator unit of amended claim 1, the converter (50) is situated in said duct (14) so that the converter (50) is directly inside the fluid flowing in the duct. It is respectfully submitted that HOAGUE or JENSEN, taken alone or in combination, does not teach, suggest or make obvious this feature as now recited in claim 1.

At page 3, lines 1-3 from the bottom of the Office Action, it was indicated that HOAGUE teaches a "converter controllable from a control input, said converter being suitable for transforming an electrical signal into a sound signal" (page 3, lines 1-3 from the bottom of the Action). At page 4, lines 2-3 of the Action, it was indicated that "the converter is situated in said duct (130)."

Applicant respectfully disagrees and submits that the Office has failed to provide a rational basis showing that the sound converter in HOAGUE is in the duct (as argued in the last response), let alone, in the flow of the circulating fluid, as now required in amended claim 1. Please see the arguments above and in the last response, including the schematic provided in the last response (and attached herewith), showing that the converter in HOAGUE is the duct/housing of the ventilator (130), but not in the flow of the fluid circulating in the duct as required in

claim 1. Nothing in HOAGUE, or for that matter JENSEN, suggests that the converter is in the flow of the fluid circulating in the duct.

For these reasons, it is respectfully submitted that the combination of HOAGUE and JENSEN fails to disclose or suggest each and every element of independent claim 1, and as such, the cited references cannot render obvious claim 1. Thus, claim 1 is novel and unobvious over HOAGUE and JENSEN. Claims depending upon claim 1 are also novel and unobvious for at least the same reasons.

The rejection is believed to be overcome, and withdrawal thereof is solicited.

III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

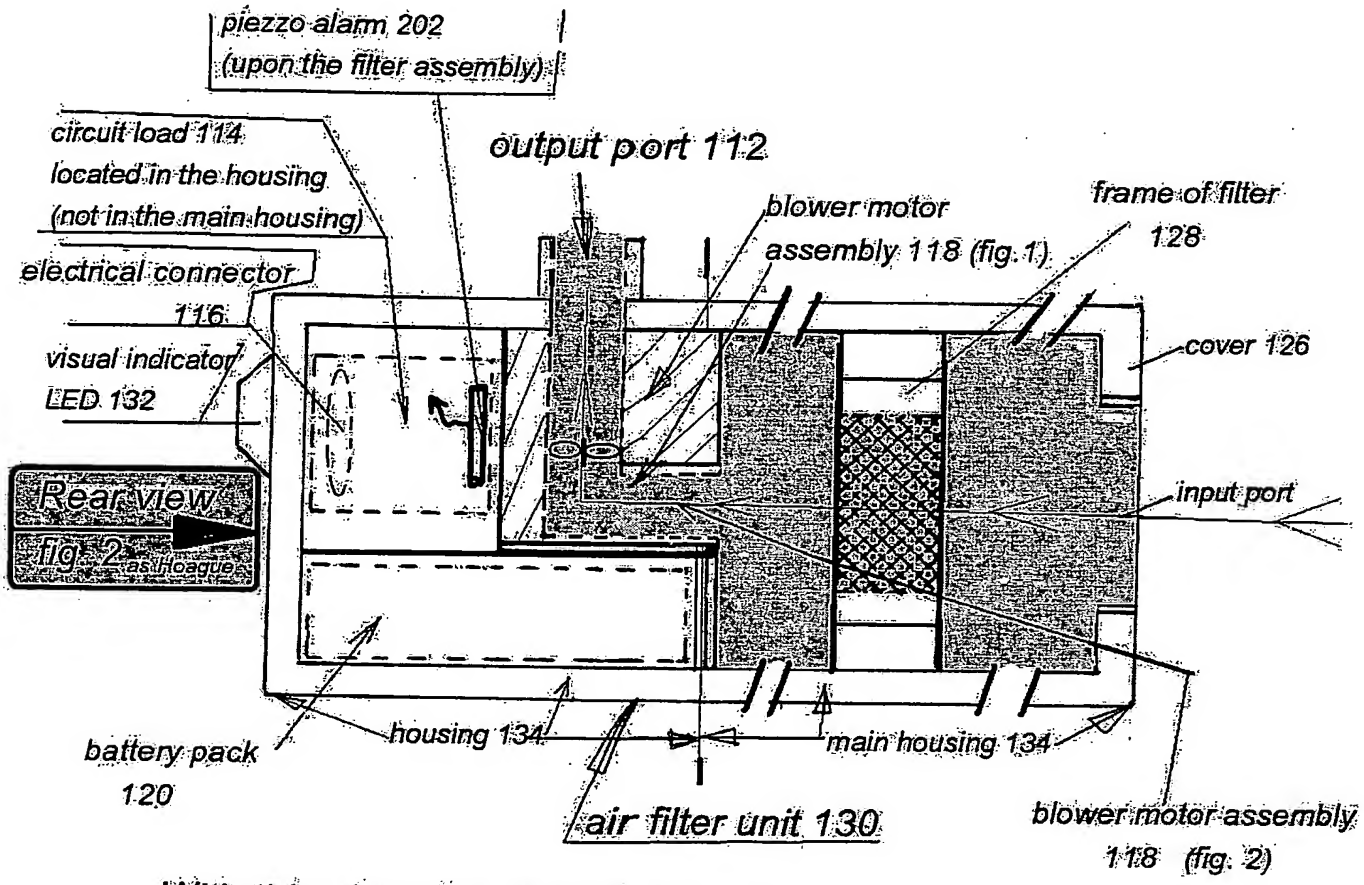
Jay F. Williams, Reg. No. 48,036
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JW/fb

APPENDIX:

- schematic showing an exploded longitudinal cross-sectional view of HOAGUE's device

ANNEXED SCHEME



With this view, it is very clear that :

the piezzo alarm 202 is in front of the external wall of the blower and not in the duct in which is flowing the air,

as in the Ozil's invention.

In yellow : the path of the air between the input port and the output port 112